

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Sheena H. Willis,

Plaintiff,

V.

South Carolina Department of Mental  
Health,

Defendant.

Case No. 3:24-cv-02806-JDA

## OPINION AND ORDER

This matter is before the Court on a Report and Recommendation (“Report”) of the Magistrate Judge. [Doc. 7.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Shiva V. Hodges for pre-trial proceedings.

On May 6, 2024, the Magistrate Judge issued a Report recommending that Plaintiff's application for leave to proceed in forma pauperis be denied. [Doc. 7.] The Magistrate Judge advised the Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. [*Id.* at 5.] Plaintiff has not filed objections and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the Court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). The Court will review the Report

only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” (citation omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report of the Magistrate Judge for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference. Accordingly, Plaintiff’s application for leave to proceed in forma pauperis [Doc. 3.] is DENIED and Plaintiff shall have fourteen (14) days from the date of this Order to submit the required filing fee. If the filing fee is not paid within fourteen (14) days of this Order, the Clerk is directed to dismiss this action without prejudice.

IT IS SO ORDERED.

s/ Jacquelyn D. Austin  
United States District Judge

June 7, 2024  
Columbia, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.